

RE: CIVIL NO. 05-124 ERIE

Honorable Judge ~~ms~~ Boughlin:

Sir, I am not sure if I am allowed to communicate with you but, because of the circumstances, I must.

Sir, you have received, from Venango County, the Response to Petitioner's Motion to Reconsider Memorandum Order, completed by Brenda J. Seridio, Esquire, Assistant District Attorney.

You Honor, she is lying to this Court in order to have my habeas petition denied.

First of all, she claims I did not exhaust state remedy. This is clearly a false statement of fact as their answer to my PCRA, discussed all the issues and declared the issues as patently frivolous. During my appeal in the Superior Court, Venango County's response was that my appeal was untimely. The Superior Court declared my PCRA appeal was patently untimely and only remanded it back to Venango County because the timely issue was not discussed by my court appointed attorney, whom was declared ineffective by the Superior Court. Sir, I have give the State Courts one full opportunity to resolve the constitutional issues. Although I did not write the exact constitutional article, I did present U.S. cases which were constitutional cases. Because Venango County declared my issues as frivolous, I have no other remedies available to me. Sir, this is in the Court records.

Secondly, Your County states that I never one of the informations filed against me. Your Honor, the information presented to your Court is not the information that was filed against me. The information filed against me clearly stated August 6, 1997. Sir, I was never arrested and held to bail for any crimes occurring then.

Furthermore, when I was arrested, I was held to bail for each check and a theft by deception charge for each check, with the specific dates listed for each offense as required by law. Your Honor, time is of the essence in the crime of bad check and theft by deception relating to the bad checks.

Sir, the Court records show that an alleged crime was committed on Wednesday, August 6, 1997 that I was forced to plead guilty too. Sir, all of the paperwork I was sent from the Court, is different from what they

are trying to present to this Court. The original docket shows no forgery charges, but shows 12 counts of bad checks, 8 counts of theft by deception and 4 counts of Receiving Stolen Property. It was after I began arguing my case in the lower court, that this new information was presented and it now has an "on or about" date of August 6, 1997 and now lists checks that I forged and the Commonwealth agreed to Nolle Prossui, from my other case (CP182-1998).

Your Honor, I'm scared. I cannot get in touch with my attorney and if this is not brought to the attention of this Court, I will have to suffer further incarceration for a crime I am actually innocent of.

Sir, I am almost 2 years over my lawful maximum sentence. If this Court does not hear my case, the Commonwealth will have gotten away with violating the laws and the Constitutions and I will have to continue suffering with no possibility for parole because I am actually and factually innocent of the CP183-1998 case.

Please sir, Your Court is my last resort for justice. I'm scared about what the lower court has presented to you because it looks so bad. I'm not sure if my attorney, Mr. Patton is on vacation as I am unable to contact him in order to file objections to the Commonwealth's response.

I thank you for your time and consideration on my case.

DATED: 4-16-07

Respectfully submitted,

c.c: file

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